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Scott Boyd

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EXAMINER

THOMASSON, MEAGAN J

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

05/16/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/663,379	<b>Applicant(s)</b> BOYD ET AL.	
	<b>Examiner</b> MEAGAN THOMASSON	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 13, 2008 has been entered.

### ***Response to Amendment***

The examiner acknowledges the amendments made to claims 1,2,34,41,43 and 46. Claim 17 is canceled; claims 1-16 and 18-47 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-13,15-17,29-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres et al. (US 6,257,981 B1), Vancura (US 6,769,986 B2) and further in view of Glavich et al. (US 6,955,600 B2).**

Regarding claims 1 and 46, Acres discloses a method and apparatus for an operator of networked gaming machines to remotely configure a bonus game on at least one of the networked gaming machines, at least some of the gaming machines being of a type having a base game display area and a bonus game display area (Fig. 1), the method comprising;

Selecting at a configuration workstation coupled to the gaming machines over the network at least one of a plurality of possible bonus game triggering criteria displayed in a list to thereby define a bonus game triggering criterion related to at least one of the games (Table 2, subfields (B), (C), and (D), each disclose a different eligibility setting for a jackpot; wherein “The mystery jackpot can be set to payout, e.g., after a certain number of coins in, handle pulls, which is specified by subfields of the mystery jackpot data” [col. 25, lines 46-48]),

Selecting at a configuration workstation a type of bonus game for presentation on the bonus game display area of the gaming machine to which the triggering criterion is related (operator may select different types of progressive bonuses that are presented to the player, abstract),

Storing the selections on the network and operating one of the gaming machines in accordance with the stored selections (i.e. the configuration selections are sent to and stored on the gaming machines, which are in turn on the network),

Detecting the selected triggering criterion, triggering the operation of a bonus game on a gaming machine to which the detected triggering criterion is related, and awarding the player in accordance with the bonus award the machine has been configured to award.

*Acres does not specifically disclose selecting at the configuration workstation at least one of a plurality of possible visual activities displayed in a list for presentation on the bonus game display area of the gaming machine to which the triggering criterion is relation, and displaying the selected visual activity on the bonus game display area of the gaming machine responsive to detecting the selected triggering criterion.* Instead, Acres discloses configuring a bonus game triggering event that results in the player being awarded a monetary sum. However, Vancura (US 6,769,986) discloses the ability change the bonus game visual activity and triggering event as desired in col. 3, lines 18-59 on a gaming machine. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the bonus game configuration abilities of Acres with the visual activity configuration abilities of Vancura to provide the operator with

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discretion over which bonus game is played as a result of a triggering event, as the inventions are analogous in the same field of endeavor. As further evidence of motivation to combine the teachings of Acres and Vancura, Gauselmann (US 6,884,173 B2) discloses a remote configuration device for configuring gaming terminals over a network or, alternatively, at a player gaming station, and further includes the ability to select one of a plurality of possible visual activities, i.e. games, displayed in a list for presentation on the gaming device (Fig. 5). The operator of the configuration workstation is allowed to choose visual activities such as “Cops n’ Robbers” or “Roulette”, which would display different visual indicia for the respective games. While Gauselmann does not specifically disclose that the various visual activities comprise bonus games, Gauselmann does expressly state that “Each of the [electronic gaming machines] is configurable so as to enable an operator to select **any available parameter of the game**” (col. 1, lines 27-28), which would include bonus games.

*Additionally, Acres/Vancura does not specifically disclose the ability to define a bonus game triggering criterion related to at least one of a base game and a bonus game, wherein the selected triggering criterion is based at least partially on multiple selected outcomes of the base game.* Instead, Acres discloses the ability to define a bonus game triggering criterion that may be based at least partially on multiple game outcomes, i.e. adjusting the number of credits required to be played over a given period of time (col. 26, lines 5-12). Vancura discloses the ability to adjust the bonus triggering criterion by allowing a player to select any of a plurality of bonus trigger symbols that must be obtained in the base game in order to initiate a bonus game (col. 4, line 62-col.

5, line 5; col. 5, lines 31-34). However, a bonus triggering event that requires multiple game outcomes to be generated is a commonly known and implemented feature of a slot machine gaming device, as disclosed by Glavich. Fig. 7A-7C of Glavich show that a player must accumulate a plurality of bonus game trigger symbols over a series of game outcomes in order to initiate a bonus game (col. 8, lines 8-40). Such bonus game triggering criterion as that disclosed by Glavich are commonly known to one of ordinary skill in the art, and it would have been obvious to combine the specific bonus triggering feature of Glavich with the gaming machine configuration ability taught by both Acres and Vancura as Glavich discloses multiple bonus game triggering schemes, including both obtaining a symbol (col. 6, lines 30-32, similar to the teaching of Vancura) and obtaining symbols over multiple outcomes of the base game (Fig. 7A-7C). Finally, Gauselmann does expressly state that “Each of the [electronic gaming machines] is configurable so as to enable an operator to select **any available parameter of the game**” (col. 1, lines 27-28), which would include bonus games. Therefore, all of the claimed elements were known in the art at the time of the invention and one of ordinary skill could have combined said elements using known methods with no change in their respective functions in order to yield predictable results.

Regarding claims 2,40 and 47, Acres discloses the triggering criterion requires multiple game outcomes (Minimum Activity Level, Table 2; player may be required to play game a predetermined number of times, i.e. may be required to generate a certain number of game outcomes), said method further including identifying a player of the gaming machine by player interaction with the gaming machine, and tracking play of the

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identified player on the base game of the gaming machine and compiling outcomes at the gaming machine for that identified player, said triggering criterion operating to trigger the bonus game according to the bonus promotion rule when the compiled outcomes matches the triggering criterion (col. 26, lines 36-55; col. 28, line 10-col. 29, line 12; col. 28, lines 10-24; col. 3, lines 20-33).

Regarding claim 3, Acres discloses identifying the player includes receiving player identification at the gaming machine, transmitting the player identification number through the network to a player database (col. 26, lines 36-67), and retrieving from the player database a player record corresponding to the player identification number (col. 29, lines 1-19).

Regarding claim 4, Acres discloses receiving a player identification card within a reader at the gaming machine to retrieve a player identification number (col. 26, lines 36-67).

Regarding claim 5, Acres does not specifically disclose manually entering a player identification number at the gaming machine. Instead, Acres discloses entering a card containing a player identification number (col. 26, lines 36-55). However, it is well known in the art to provide a means for manually entering a player identification number, e.g. a key pad, as a substitute for entering a player tracking card, as can be seen in Burns et al. (US 6,736,725 B2) in col. 7, lines 28-32, wherein an "identification card reader [210] input can also be a key pad which the player would use to enter a number or some other means of identification. Such key pads are well known and are commercially available". Thus, it would have been obvious to one of ordinary skill in the



art at the time of the invention to utilize a key pad for inputting a player identification number as an alternative to inserting a player identification card.

Regarding claims 6,7 and 9, Acres discloses the triggering criterion is based upon a set of game outcomes, wherein said game outcomes are consecutive game outcomes, and wherein the set of game outcomes are within a set period of time (The minimum activity level field can be used “to specify the minimum activity level required by the player in order to be eligible for the bonus time jackpot. For example, the player can be required to play at least 20 coins over the last 3 minutes in order to be eligible for the bonus time jackpot”, col. 26, lines 5-9).

Regarding claims 8 and 11-13, Acres does not specifically disclose the triggering criterion is based on obtaining X outcomes in N tries, a number of wins/losses over a set time period, visitation frequency, and/or player demographics. However, Acres does disclose adjusting a bonus triggering criterion based on player activity level, as described above, and further discloses that “According to the invention, there are many different reconfiguration commands to implement a multiplicity of different bonusing events” (col. 25, lines 53-55). The bonus triggering events recited in claims 8 and 11-13 are well known to one of ordinary skill in the art. For instance, Walker et al. (US 6,361,441 B1) discloses a bonus triggering event involving obtaining X outcomes in N tries as well as a number of wins/losses over a set time period (col. 3, lines 4-16), Walker et al. (US 6,503,146 B2) discloses obtaining bonus eligibility status upon fulfilling a visitation frequency requirement (col. 6, lines 44-54), and Acres (US 2001/0034643 A1) discloses triggering criteria based upon player demographics (¶ 0018). It would

have been obvious to one of ordinary skill in the art at the time of the invention to utilize the floor controller of Acres (US 6,257,981) to adjust any bonus triggering parameter of a gaming console as a design choice at the discretion of the inventor. The bonus triggering parameters listed in claims 8 and 11-13 are well known throughout the art, as shown by the cited references, and further Acres discloses allowing “many different configuration commands to implement a multiplicity of different bonusing events” (Col. 25, lines 53-55).

Regarding claim 10, Acres discloses the triggering criterion is based upon a certain number of points earned by the player (col. 28, lines 1-20).

Regarding claim 15, Acres discloses the rule includes a plurality of triggering criteria (Table 2, Number of Second to Keep Bonus Time Active and Minimum Activity Level) wherein the bonus game is triggered responsive only to all of the plurality of triggering criteria being fulfilled.

Regarding claim 16, Acres discloses the network further including a plurality of gaming machines where each of the plurality of gaming machines is associated with one or more gaming machine groups, and at least one of the groups is selected at the configuration workstation to which the bonus triggering criterion applies to that the bonus promotion defined by the bonus promotion rule and operable on the bonus display area of each of the gaming machines is potentially triggered only on gaming machines within the selected group and not on gaming machines not within the selected group. Specifically, Fig. 1 shows a floor controller connected to a plurality of gaming

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devices, and col. 37, lines 25-49 disclose the ability to select multiple gaming devices, i.e. groups of gaming devices, to be reconfigured by a floor controller.

Regarding claims 29-31, Acres discloses the promotion rule (Table 2) further including an award method defining the bonus game outcome (col. 26, lines 12-25), wherein the award method designates that a random number be chosen based upon a probability table designating the item of value awarded in the bonus promotion (Bonus Payout Schedule, col. 6, lines 27-63). Further, Table 1 discloses the ability to award an item of value, i.e. bonus pay, over a series of sessions that add up to the total value. That is, cash outable credits may be paid out via the hopper or credit meter, and non-cash outable credits may be added to the game, as shown in Table 1. The two forms of payment comprise a series of awards that amount to a total award.

Regarding claim 32, Acres discloses the promotion rule further including a currency criterion designating the item of value awarded to the player (Table 1).

Regarding claim 33, Acres does not specifically disclose the currency criterion is one selected from the group consisting of complementary goods and services, cash back, points, extra credit, promotional credits and discount coupons. However, Acres does disclose awarding the player in complementary goods and services (col. 28, lines 3-6), cash back (Table 1), points (col. 28, lines 10-20) and extra credit (Table 1, Bonus Pay to Credit Meter). The examiner takes official notice that both promotional credits and discount coupons are notoriously well known throughout the art as forms of player rewards, and thus it would have been obvious to one of ordinary skill in the art at the

time of the invention to include both promotional credits and discount coupons in the invention disclosed by Acres.

Regarding claims 34 and 41, in addition to the invention as described above, Acres discloses operating a bonus configuration program on a configuration computer remote from the gaming machine, the configuration program including a rule generator comprising a plurality of selectable bonus promotion criteria (col. 8, lines 40-58. Further, Vancura discloses the ability to select a plurality of possible bonus game triggering criteria, a plurality of possible visual activities for display on the gaming machine when the bonus game is triggered, and a plurality of possible items of value awarded to a winner of the bonus game. That is, Vancura discloses the ability to the amount of the bonus game award, i.e. the value of the award item, that is awarded for obtaining a bonus game winning outcome (col. 4, lines 15-35).

Regarding claims 35-37, Acres/Vancura disclose the type of criteria to be selected within the configuration program includes the following types: machine selection (Acres col. 3, lines 1-4), triggers (Acres Table 2, Minimum Activity Level and Number of Second to Keep Bonus Time Active), visual activity (Vancura col. 3, line 64-col. 4, line 6), award (Acres Table 2, Number of Coins to Award and Jackpot Multiplier), and items of value (Vancura discloses the ability to the amount of the bonus game award, i.e. the value of the award item, that is awarded for obtaining a bonus game winning outcome [col. 4, lines 15-35]).

Regarding claims 38 and 39, Acres discloses the selected criteria includes one or more defined triggering events, the method including allowing play on the gaming

machine and triggering a bonus game on the gaming machine responsive to play on the gaming machine matching one of or the defined triggering events (col. 26, lines 4-8).

Regarding claim 42, please see claims 1 and 41 above.

Regarding claim 43, in addition to the invention as described above, Vancura discloses the ability to select one of a plurality of possible special features for indication on the visual display. That is, col. 3, line 62 – col. 4, line 6 discloses the ability of the player to select the type of bonus game, i.e. special feature, that is to be indicated on the visual display, wherein “the indicia can include graphic representation, icons and video depiction depending on the chosen interactive structure for the casino game of chance **10** and more especially, the aspects pre-selected for the bonus play (col. 7, lines 4-7).

Regarding claim 44, Acres/Vancura does not specifically disclose the visual display is a video display separated from a display of a base game operating on the gaming machine. However, this is a notoriously well known feature of slot machine gaming devices, as evidenced by Baerlocher et al. (US 6,669,559 B1), wherein Fig. 1 depicts reels [30] as the means for display of the base game and the video touch screen [32] as the means of display for the bonus game. This would have been an obvious feature to one of ordinary skill in the art to include in the invention disclosed by Acres (US 6,257,981).

Regarding claim 45, the method of claim 45 is merely a repetition of the steps of the method outlined in claim 1. Col. 5, lines 11-15 discloses the ability of a "new player" to select their desired bonus game options. That is, a new player may repeat the

selection steps outlined in claim 1 in order to select a second triggering criterion and/or visual activity. Repeating the steps of a previous claim does not present any new, novel or unobvious feature in the instant invention and is thus not patentable over the prior art.

**Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acres et al. (US 6,257,981 B1), Vancura (US 6,769,986 B2) and Glavich et al. (US 6,955,600 B2) as applied above, and further in view of Storey (US 2003/0176212 A1).**

In addition to the invention as described above, Acres/Vancura/Glavich discloses the rule includes a plurality of triggering criteria (Acres Table 2, Number of Second to Keep Bonus Time Active and Minimum Activity Level). Acres does not specifically disclose that the bonus game is triggered responsive to any one of the plurality of triggering criteria. However, in an analogous gaming device invention, Storey discloses a jackpot award is triggered in response to any one of a plurality of triggering criteria. Specifically, ¶ 0062 discloses a plurality of bonus game triggering game outcomes wherein the occurrence of any of the bonus game triggering outcomes will enable a player to participate in a bonus game. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of the remotely configurable slot machine device of Acres and the possibility of triggering a bonus game utilizing any one of a plurality of bonus game triggering criteria of Storey due to their analogous inventions, namely slot machine gaming devices. Motivation to do so can be

found in Acres col. 25, lines 53-55, wherein Acres discloses allowing “many different configuration commands to implement a multiplicity of different bonusing events”.

**Claims 18-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres et al. (US 6,257,981 B1), Vancura (US 6,769,986) and Glavich et al. (US 6,955,600 B2) as applied above, and further in view of Baerlocher et al. (US 6,669,559 B1).**

Regarding claims 18-24, Baerlocher (US 6,669,559) discloses a bonus game featuring said selected visual activity associated with a series of steps, including a series of animation sequences requiring player interaction to start or stop said animation sequence after which a bonus amount is awarded to the player. Specifically, Fig. 3 of Baerlocher discloses an animation sequence wherein a game exhibits a symbol, said animation sequence beginning upon a player making a selection. This process continues, thus comprising a series of animation sequences requiring player interaction between each animation in the series (col. 3, lines 19-24). The primary embodiment of Baerlocher is that of a matching game such as “concentration” or “go fish” (col. 1, lines 58-67), such that the game displays X number of possible selection areas and the player picks N items until a stop is chosen (Fig. 3, Terminating Symbol). Further, Baerlocher discloses requiring the player to pick selection areas to review items associated with respective selection areas until a match occurs (col. 7, lines 20-57). Thus, all of the claimed elements were known in the art at the time of the invention and

one of ordinary skill could have combined said elements using known methods with no change in their respective functions in order to yield predictable results.

Regarding claim 25, Acres (US 6,257,981) does not specifically disclose decrementing the amount of the bonus award as the number of attempts to make a match increases. However, Acres (US 6,231,445 B1) discloses a bonus gaming wherein the bonus amount is decremented as play continues (col. 2, lines 28-32). That is, as the bonus game period continues the bonus award amount decreases.

Regarding claim 28, Acres (US 6,257,981) does not specifically disclose the interface criterion uncovers an image tile by tile in successive bonus rounds until the image is uncovered. However, in an analogous gaming machine invention, Gilmore (US 6,347,996) discloses such a bonus game (abstract). It would have been obvious to one of ordinary skill in the art to include any type of bonus game in the instant invention at the discretion of the implementor, as altering the type of bonus game does not change the overall function or effect of the invention.

**Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres et al. (US 6,257,981 B1), Vancura (US 6,769,986 B2) and Glavich et al. (US 6,955,600 B2) as applied above, and further in view of Baerlocher (US 6,506,118 B1).**

Regarding claims 26 and 27, Acres (US 6,257,981) does not specifically disclose the interface criterion designating that a player choose to take a first bonus award or risk the amount for a second bonus award, wherein the first and second bonus award



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comprise a plurality of items chosen in a series of selection steps. However, in an analogous gaming machine invention, Baerlocher (US 6,506,118 B1) discloses such a bonus game (col. 2, lines 31-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Acres, Vancura and Baerlocher as all of the claimed elements were known at the time of the invention and could have been combined by one of ordinary skill in the art with no change in their respective functions.

### ***Response to Arguments***

Applicant's arguments with respect to the newly amended feature of all independent claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEAGAN THOMASSON whose telephone number is (571)272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson

May 7, 2008

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3714